

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

WILD VIRGINIA,
VIRGINIA WILDERNESS COMMITTEE,
UPSTATE FOREVER,
SOUTH CAROLINA WILDLIFE FEDERATION,
NORTH CAROLINA WILDLIFE FEDERATION,
NATIONAL TRUST FOR HISTORIC
PRESERVATION,
MOUNTAINTRUE,
HAW RIVER ASSEMBLY,
HIGHLANDERS FOR RESPONSIBLE
DEVELOPMENT,
DEFENDERS OF WILDLIFE,
COWPASTURE RIVER PRESERVATION
ASSOCIATION,
CONGAREE RIVERKEEPER,
THE CLINCH COALITION,
CLEAN AIR CAROLINA,
CAPE FEAR RIVER WATCH,
ALLIANCE FOR THE SHENANDOAH
VALLEY, and
ALABAMA RIVERS ALLIANCE,

Plaintiffs,

v.

COUNCIL ON ENVIRONMENTAL QUALITY,
and
MARY NEUMAYER IN HER OFFICIAL
CAPACITY AS CHAIR OF THE
COUNCIL ON ENVIRONMENTAL
QUALITY,

Defendants,

and

Case No.
3:20CV00045

AMERICAN FARM BUREAU FEDERATION,)
AMERICAN FOREST RESOURCE COUNCIL,)
AMERICAN FUEL & PETROCHEMICAL)
MANUFACTURERS,)
AMERICAN PETROLEUM INSTITUTE,)
AMERICAN ROAD & TRANSPORTATION)
BUILDERS ASSOCIATION,)
CHAMBER OF COMMERCE OF THE UNITED)
STATES OF AMERICA,)
FEDERAL FOREST RESOURCE COALITION,)
INTERSTATE NATURAL GAS ASSOCIATION)
OF AMERICA, and)
NATIONAL CATTLEMEN’S BEEF)
ASSOCIATION,)
)
)
Defendants-Intervenors.)

ORDER

The plaintiffs have filed a Motion for Status Conference. The plaintiffs’ stated purpose for a status conference is to “obtain guidance from the Court on the discovery issues raised in the Court’s recent order, as well as any anticipated timeline for a ruling on the Motions to Dismiss, as they relate to a potential interlocutory appeal of the Preliminary Injunction, and/or expedited briefing on Summary Judgment.” Mot. 3, ECF No. 96. The defendants and defendants-intervenors oppose a status conference, oppose any discovery, and propose a briefing schedule for resolution of cross motions for summary judgment.

While I suggested in my opinion denying a preliminary injunction that evidence might be required to flesh out the parties’ arguments, I did not mention

discovery. My meaning was that summary judgment motions may be supported by declarations of experts or other sworn interpretive opinion. The parties may dispute that, but I leave resolution of that issue for another day.

In any event, it is **ORDERED** as follows:

1. Plaintiffs' Motion for Status Conference, ECF No. 96, is DENIED;
2. Defendant's Motion to Dismiss, ECF No. 52, and Business Associations' Motion to Dismiss, ECF No. 56, are DENIED; and
3. The Proposed Schedule set forth in Defendants' Response, ECF No. 97, is ADOPTED by the Court.

ENTER: September 21, 2020

/s/ JAMES P. JONES

United States District Judge